

**Identifying, Engaging, and Serving
Unaccompanied Children and Youth
Part II: Out of School**

22nd Annual NAEHCY
Conference
November 2010



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“Stable housing, you know? That’s pretty much it... To try to go to school and live on the street or hold a job down living on the street-- I don’t know anybody that’s done it.”

Unaccompanied youth in California,
responding to the question
“What do you need to succeed in
school?”

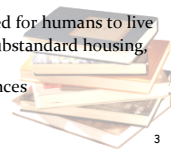


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***Who Are Unaccompanied
Children and Youth under the Law?***

STEP 1: Experiencing homelessness: Children and youth who lack a fixed, regular, and adequate nighttime residence:

- ✓ Sharing the housing of others due to loss of housing, economic hardship, or similar reason
- ✓ Living in motels, hotels, trailer parks, camping grounds due to lack of adequate alternative accommodations
- ✓ Living in emergency or transitional shelters
- ✓ Awaiting foster care placement
- ✓ Living in a public or private place not designed for humans to live
- ✓ Living in cars, parks, abandoned buildings, substandard housing, bus or train stations, etc.
- ✓ Migratory children living in above circumstances



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Who Are Unaccompanied Children and Youth Under the Law? (cont.)

STEP 2: Unaccompanied: children and youth who are not in the physical custody of a parent or guardian

✓ *Is there an age range?*

- No. McKinney-Vento applies to all school-aged children and youth as defined by state law

✓ *Is there a citizenship requirement?*

- No. Supreme Court case *Plyler v. Doe* (1982) makes it unlawful for schools to deny access to undocumented immigrants or ask about immigration status. McKinney-Vento must be equally applied to undocumented students

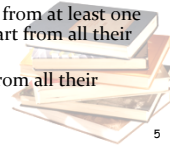


Who Are Unaccompanied Children and Youth in Your Community?

✓ Some children and youth are in unstable living situations due to parental incarceration, illness, hospitalization or death

✓ Some youth become homeless with their families, but end up on their own due to lack of space in temporary accommodations or shelter policies that prohibit adolescent boys

- 60% of homeless mothers live apart from at least one of their minor children; 35% live apart from all their children
- 93% of homeless fathers live apart from all their children



Who Are Unaccompanied Children and Youth in Your Community?

✓ Many unaccompanied children and youth have fled abuse in the home: Studies have found that 20-40% of unaccompanied youth were sexually abused in their homes, while 40-60% were physically abused

✓ Over two-thirds of callers to Runaway Hotline report that at least one of their parents abuses drugs or alcohol

✓ Over half of youth living in shelters report that their parents either told them to leave, or knew they were leaving and did not care



Who Are Unaccompanied Children and Youth in Your Community? (cont.)

21 – 53% of homeless youth have a history of out-of-home care through the child welfare system

Many youth have been thrown out of their homes due to pregnancy

✓ 48% of street youth have been pregnant or impregnated someone

✓ 10% of currently homeless female teens are pregnant



Impact of Homelessness on Unaccompanied Children and Youth

✓ Once out of the home, unaccompanied youth are frequently victimized

◆ As many as half have been assaulted or robbed

◆ in 10 runaway youth reports being raped

✓ 1 in 100 unaccompanied youth die each year, the vast majority from suicide



Who Are Unaccompanied Children and Youth in Your Community? (cont.)

Approximately 2 million youth experience a runaway or throwaway episode each year.

✓ Approximately 20 – 40% identify as GLBTQ (Approx. 600,000)

✓ Compared to 2-3% of general youth population

✓ Who are unaccompanied youth in your community?



Providing Support OUT of School...

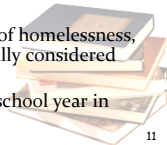
- ✓ Financial aid for college
- ✓ Job Corps
- ✓ Public Benefits
- ✓ Housing
- ✓ Medical and mental health care
- ✓ Immigration
- ✓ Child Welfare
- ✓ Family Law
- ✓ Juvenile Justice

So youth can succeed IN school!



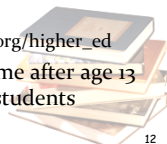
**Federal Financial Aid:
The Dreaded FAFSA**

- ✓ Youth who meet the definition of “independent student” can complete the FAFSA without parental income information or signature.
- ✓ Unaccompanied youth are automatically considered independent students.
 - ✦ Must be verified as unaccompanied and homeless during the school year in which the application is submitted.
- ✓ Youth who are unaccompanied, at risk of homelessness, and self-supporting are also automatically considered independent students
 - ✦ Must be verified as such during the school year in which the application is submitted.



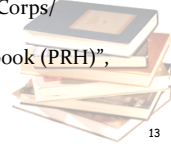
The Dreaded FAFSA (cont.)

- ✓ Verification must be made by:
 - ✦ a McKinney-Vento Act school district liaison,
 - ✦ a HUD homeless assistance program director or their designee,
 - ✦ a Runaway and Homeless Youth Act program director or their designee, or
 - ✦ a financial aid administrator.
- ✓ Youth who in foster care at any time after age 13 are also considered independent students



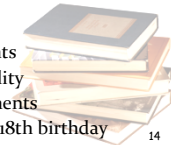
Job Corps and Unaccompanied Youth

- ✓ Federal Job Corps policy requires the signature of parent or guardian
- ✓ BUT, Job Corps programs can waive this requirement for youth who have no parent or guardian, cannot locate parent or guardian, are legally emancipated, or whose parents who do not **object** to participation
- ✓ http://www.jobcorps.gov/AboutJobCorps/program_admin.aspx
 - “Policy and Requirements Handbook (PRH)”, Exhibit 1-1, page 11



TANF and Unaccompanied Youth

- ✓ Temporary Aid for Needy Families (may have a different acronym in some states): for low-income parents, including teen parents, and their children
- ✓ Teens must be:
 - Pregnant or parenting,
 - Living with parent, legal guardian, adult relative, or other **approved, adult-supervised living situation**,
 - Attending school or working, and
 - Citizen, LPR or some other immigrants
- ✓ A teen can apply without his/her parents
- ✓ Parents' income is irrelevant for eligibility
- ✓ States have their own specific requirements
- ✓ There is a lifetime limit on TANF after 18th birthday



Child Support for Unaccompanied Teen Parents

- ✓ Teens who receive TANF have to comply with efforts to get child support from the noncustodial parent
- ✓ If receiving TANF, most states will only allow the custodial parent to keep some of the child support
- ✓ Teens not on TANF can get help to secure child support from the State
- ✓ <http://www.acf.hhs.gov/programs/cse/>



SSI and Unaccompanied Youth

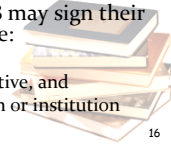
Supplemental Security Income: the only public benefit that provides a monthly cash payment to a single unaccompanied youth with disabilities

May receive SSI benefits in addition to TANF

Youth who receive SSI are also automatically eligible for Medicaid

Youth between the ages of 16 and 18 may sign their own applications, as long as they are:

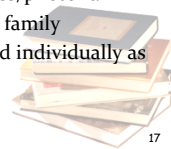
- mentally competent,
- have no court appointed representative, and
- are not in the care of another person or institution



Food Stamps and Unaccompanied Youth

The food stamp program provides funds that youth can use to buy food at grocery stores, certain retail stores, and some restaurants

- ✓ No age minimum
- ✓ No parent signature required
- ✓ No denial solely due to lack of address/photo id
- ✓ Eligibility based on "household", not family
- ✓ "Couch surfing" youth can be considered individually as their own household



Housing Options for Unaccompanied Youth

✓ Runaway and Homeless Youth Act (RHYA):

- Basic Center 15-day emergency shelters
- Transitional Living Programs for youth 16-21
- Street Outreach Program
- No income limits
- Youth can enter without parental consent, but the program must contact parents within 72 hours

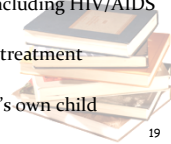
✓ Some states have state programs.

✓ <http://www.naehcy.org/memos.html>



Can Unaccompanied Youth Consent for their own Health Care?

- ✓ Generally, only persons age 18 and over can consent to their own medical, dental, and health care; minors need consent of a parent or guardian.
- ✓ BUT, many exceptions exist, depending on the state and the type of treatment.
- ✓ Typically, minors can consent to these kinds of treatment, with limitations:
 - Diagnosis and treatment of STDs, including HIV/AIDS
 - Abortion
 - Substance abuse and mental health treatment
 - Emergency treatment
 - Any medical treatment of the youth's own child



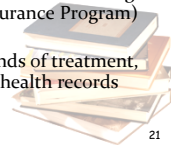
Many State Laws Allow Youth to Consent for Routine Medical Care

- ✓ Alabama: youth 14 or older
- ✓ Alaska: youth living apart from parents and managing own finances, regardless of source or amount of income
- ✓ Texas: youth 16 or older living apart from parents, with or without consent, and managing own finances, regardless of source of income



Health Care (cont.)

- ✓ Contact local youth services or legal aid programs or the Center for Adolescent Health and the Law (www.cahl.org) for more information about your state
- ✓ Guttmacher Institute has free, brief summaries of state medical consent laws on-line
- ✓ <http://www.nachcy.org/memos.html>
- ✓ Youth should be able to access health insurance through the SCHIP (State Children's Health Insurance Program) and/or Medicaid
- ✓ Even if youth can consent to certain kinds of treatment, their parents may have access to those health records



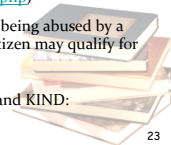
Teen Dating Violence

- ✓ Teen Dating Violence cuts across race, gender, and socioeconomic lines
 - Approx 1 in 5 female high school students report being physically or sexually abused by a dating partner
 - Half of the reported date rapes occur among teens
- ✓ Check state laws regarding civil restraining orders and orders of protection
- ✓ <http://www.abanet.org/unmet/teendating/facts.pdf>
- ✓ <http://www.breakthecycle.org/resources-state-law-report-cards.html>



Immigration

- ✓ **Special Immigrant Juvenile Status**—If a juvenile court determines (a) youth is eligible for long-term foster care (return to parents is not possible) due to abuse, neglect, or abandonment and (b) it's not in youth's best interest to return to the home country: youth may qualify for lawful permanent residence (LPR) (<http://immigrantchildren.org/SIJS>)
- ✓ **U Visa**—A youth who is a victim of physical/mental abuse or other violent crime and cooperates in the prosecution may qualify for this visa and/or interim relief. (<http://www.ilrc.org/uvisa.php>)
- ✓ **Violence Against Women Act**-- Youth who are being abused by a parent or stepparent who is a legal resident or citizen may qualify for LPR (also women abused by spouse) (<http://www.nationalimmigrationproject.org/>)
- ✓ New immigration brief available from NAEHCY and KIND: <http://www.naehcy.org>



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Child Welfare

Most child welfare agencies offer programs to assist youth as they transition out of the child welfare system:

- Life Skills
- Independent Living
- Financial assistance for college
- Employment Assistance
- Transitional living apartments
- Aftercare services



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Child Welfare (cont.)

- ✓ Youth in care who have run from/been kicked out of placements still may be eligible for programs and benefits
- ✓ Older youth may not want child welfare involvement; fear of child welfare referrals often creates a barrier to school enrollment for youth
- ✓ Transition planning should begin early!
 - ✦ “Pre-independent living needs assessment” when youth are 13 or 14



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Child Welfare (cont.)

- ✓ Youth who age out of care at age 18 are generally eligible for services
 - ✦ Youth who are placed in kinship guardianship or adopted after age 16 may be also eligible.
 - ✦ Difference between Chafee and Fostering Connections
 - ✦ Fight to keep cases open!
- ✓ Eligibility for most programs can extend up to age 21 or 23
- ✓ “Transition: The Passage from Youth to Adulthood.” (Spring 2009)

http://floridaschildrenfirst.org/pdf/Foster_Final_Proof.pdf



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Emancipation

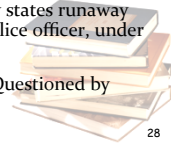
- ✓ Available in many states
- ✓ Specific requirements depend on state, include:
 - ✦ Minimum age
 - ✦ Living apart from parents and supporting self
 - ✦ In best interest to be emancipated
 - ✦ Married or in military usually automatically emancipated
- ✓ Youth obtain both legal rights and responsibilities of adults
- ✓ For more info see the National Network for Youth and:
http://topics.law.cornell.edu/wex/table_emancipation



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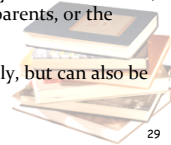
Status Offense/Juvenile Justice

- ✓ Running away is a status offense in a few states, as is truancy
- ✓ Schools are required to report runaway youth to law enforcement in very few states
 - In those states, liaisons should work with law enforcement to ensure that such reporting does not create a barrier, effectively scaring youth away from school
- ✓ Even where not a status offense, in many states runaway youth may be taken into custody by a police officer, under certain circumstances
- ✓ What Youth Need to Know if They Are Questioned by Police (Pacer Center)
 - www.c3online.org/PHP-c171.pdf



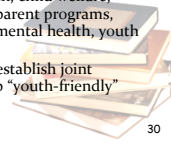
Status Offenses

- ✓ Youth determined by law to need services through the juvenile court
- ✓ Varies by state; may include youth who have run away without just cause, are beyond parent/guardian control, or are habitually truant
- ✓ Youth may be referred to the process by law enforcement, schools, child welfare, youth services, parents, or the youth themselves
- ✓ Can provide services to youth and family, but can also be punitive



Tips for a Coordinated Approach to Addressing the Needs of Youth

- ✓ Be familiar with your state and local policies regarding unaccompanied youth, both in school and out. Advocate for improvements to those policies where necessary
- ✓ Connect youth with Legal Aid providers when necessary
 - www.abanet.org/litigation/committees/childrights/directory.html
 - www.lsc.gov
- ✓ Create an interagency task force with the school district, social services, shelters, drop-in centers, street outreach, child welfare, juvenile court, law enforcement, legal aid, teen parent programs, GLBTQ youth organizations, public assistance, mental health, youth services, etc
 - Revise service delivery models and policies, establish joint application forms and locations, and develop “youth-friendly” approaches



Local Coordination: Rapid Response

- ✓ Started with \$150,000 from the state legislature
- ✓ Brings together over 25 state and local agencies, public and private, to provide intensive intervention within the first 72 hours of a youth's homelessness
- ✓ Focuses on providing stable housing, keeping the youth in the same community and school, and delivering family intervention, support and mediation
- ✓ Independent evaluation overwhelming: decreases in drug and alcohol use, victimization, suicide, gang involvement, police involvement, pregnancy and prostitution; overall health and well-being were significantly improved; 100% of the youth served were enrolled in school or working and doing well
- ✓ <http://maine.gov/cabinet/03RegionalHomeless.htm>



Additional Resources

- ✓ National Association for the Education of Homeless Children and Youth
www.naehcy.org
- ✓ National Center for Homeless Education
www.serve.org/nche; 1-800-308-2145
- ✓ National Law Center on Homelessness & Poverty
www.nlchp.org
- ✓ National Network for Youth
www.nn4youth.org
- ✓ National Runaway Switchboard
www.nrscrisisline.org; 1-800-621-4000
- ✓ Runaway and Homeless Youth Act Program, U.S. Department of Health and Human Services www.acf.dhhs.gov/programs/fysb/content/youthdivision/index.htm



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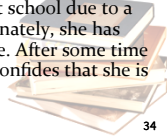


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Miranda

Miranda, who is 17 years old, arrives at McKinney High School in early November seeking to enroll in school. She informs you, the school district homeless liaison, that she left home two months ago because she "just couldn't stay there anymore." Miranda has been sleeping on the couch of a friend who resides within the attendance zone of Oak High School.

Miranda only needs two more semesters of credit to graduate. She was on a 504 plan at her last school due to a disability, but she was doing fine. Unfortunately, she has barely attended classes since she left home. After some time talking, Miranda begins to trust you and confides that she is five months pregnant.



Miranda Q's

What are the first 3 specific things you would do to continue building trust with Miranda and get more information about her situation?

1. What would you do to engage and support Miranda in school?
2. What are Miranda's options regarding health care? What about her baby's health care?
3. Is Miranda eligible for any public benefits? Which ones? How does her living situation affect her eligibility for benefits? What specific steps would you take to help Miranda receive benefits?
4. Would you consider referring Miranda to the child welfare system? CHINS/ PINS? To be emancipated? Why or why not?
5. How would you work within your community to create the systems and collaborations that are needed so situations like this can be responded to appropriately for all students who experience them?

